

APR 21 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of) MM Docket No. 92-310
)
BARBARA BRINDISI) File No. BPH-910703MI
)
LAURYN BROADCASTING CORPORATION) File No. BPH-910703MJ
)
For Construction Permit for a)
New FM Station on Channel 265A)
in Beaumont, California)
)
and)
)
KAY SADLIER-GILL) File No. BPH-910611IF
)
For Modification of Facilities)
for Station KATY-FM)
Idyllwild, California)

To: Administrative Law Judge
Walter C. Miller

MASS MEDIA BUREAU'S COMMENTS IN SUPPORT OF
JOINT REQUEST FOR APPROVAL OF SETTLEMENT

1. On February 25, 1993, Barbara Brindisi (Brindisi) and Lauryn Broadcasting Corporation (Lauryn) filed a joint request for approval of settlement agreement. The Mass Media Bureau hereby files its comments in support of the joint request.

2. The settlement agreement calls for a grant of the Brindisi application and the dismissal of the Lauryn application in exchange for reimbursement by Brindisi of Lauryn's reasonable and prudent costs, not to exceed \$5,000. In support of the claimed reimbursement, Lauryn submits a statement of expenses which reflects payments of an FCC filing fee of \$2,030 and an FCC hearing fee of \$6,760.

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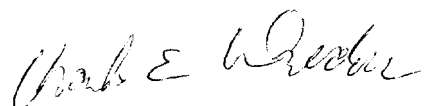
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3. The joint motion and supporting materials submitted by the parties are otherwise in conformity with the requirements of Section 73.3525 of the Commission's Rules, which implements Section 311(c)(3) of the Communications Act of 1934, as amended. Specifically, the parties have established that approval of the agreement is in the public interest and that the applications were not filed for an improper purpose. Lauryn has also established its right to reimbursement in the amount of \$5,000.

4. On February 23, 1993, Brindisi filed an amendment demonstrating that a grant of her application would have no detrimental effect upon the operation of a nearby translator station. On March 4, 1993, the Bureau filed comments in support of Brindisi's petition for leave to amend. On February 19, 1993, Kay Sadlier-Gill (Gill) filed a petition for leave to amend and a related motion for severance and grant. On March 2, 1993, the Bureau filed comments supporting acceptance of Gill's amendment, severance of the Gill application from this proceeding and grant of the Gill application, as amended, following a determination by the Federal Aviation Administration that Gill's proposed tower would not be a hazard to air navigation. Upon a grant of Brindisi's petition for leave to amend, and severance of the Gill application, there will be no impediment to approval of the settlement agreement, grant of the Brindisi application and

dismissal of the Lauryn application with the specified reimbursement by Brindisi.¹

Respectfully submitted,
Roy J. Stewart
Chief, Mass Media Bureau



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April 21, 1993

¹ By Memorandum Opinion and Order, FCC 93M-79, released February 23, 1993, the application of the third applicant, Robert M. Richmond, was dismissed with prejudice.

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certifies that she has on this 21st day of April 1993, sent by regular United States mail, U.S. Government frank, copies of the foregoing **"Mass Media Bureau's Comments in Support of Joint Request for Approval of Settlement Agreement"** to:

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